



DELBERT HOSEMAN
Secretary of State

July 2, 2019

Via Hand Delivery
The Honorable Fofo Gilich
Mayor, City of Biloxi
140 Lameuse Street
Biloxi, MS 39530

Re: City Of Biloxi
Council Agenda Item 5FF, July 2, 2019
Resolution authorizing agreement with RW Development, LLC for Option
to build and lease a new public municipal pier and or related purposes

Mayor Gilich:

The Secretary of State has become aware of the above agenda item for the July 2, 2019, Biloxi City Council Meeting scheduled for 6:00 p.m. Please note that the Secretary of State did not receive formal due process notice with sufficient time to prepare for such meeting.

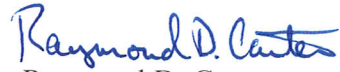
The procedure provided in the Tidelands Act of 1989, established the area of the Sand Beach and the submerged lands waterward of the Sand Beach as Public Trust Tidelands owned by, and held in trust by, the State of Mississippi. The Secretary of State is the Land Commissioner for the State, and is the Trustee of the Public Trust Lands. Pursuant to statute, the Secretary of State, with the approval of the Governor, may rent or lease surface lands, tidelands or submerged lands owned or controlled by the State of Mississippi lying in or adjacent to the Mississippi Sound or the Gulf of Mexico.

We respectfully contend the acts proposed by the City in Agenda Item 5FF are contrary to this legal authority and ask the City to cease and desist with this attempt to option a lease of State held trust property without the State's consent. In addition, the State understands that a legal action is currently pending in Harrison County related to the issues in the above referenced agenda item.

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If you have any questions, please contact me at (228) 863-9220 or by email at raymond.carter@sos.ms.gov.

Sincerely,



Raymond D. Carter
Assistant Secretary of State
Gulf Coast

/rdc

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cc: Via E-mail or Hand Delivery
Delbert Hosemann, Secretary of State, State of Mississippi
Nathan Upchurch, Chief of Staff, Mississippi Secretary of State
Harold Pizetta, Office of the Attorney General, Civil Litigation
Nancy Parkes, Office of the Attorney General, Special Assistant Attorney General
George Lawrence, City Council, Ward One
Felix Gines, City Council, Ward Two
Dixie Newman, City Council, Ward Three
Robert Deming, III, City Council, Ward Four
Paul Tisdale, City Council, Ward Five
Kenny Glavan, City Council, Ward Six
Nathan Barrett, City Council, Ward Seven
Peter Abide, City Attorney